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December 7, 2016

The Honorable Gregory M. Sleet
United States District Court
For the District of Delaware
844 North King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: *Purdue Pharma L.P., et al. v. Alvogen Pine Brook, LLC, et al.*,
C.A. No. 15-687 (GMS) (Consolidated)

Dear Judge Sleet:

Following the *Markman* hearing held on November 30, 2016, the parties met and conferred regarding construction of the terms "controlled release material" and "controlled release matrix material."

The parties have reached agreement on a construction for the term "controlled release material" as used in the Oshlack patents (the '783, '499, '520, '667, '401, '052 and '940 patents). The parties agree that "controlled release material" means "a material other than the active ingredient that causes the release of the drug (e.g., hydrocodone) at such a rate that blood (e.g., plasma) concentrations are maintained within the therapeutic range but below toxic concentrations over a period of time of about 12 hours or longer." The parties will submit a stipulation memorializing this agreement.

The parties have narrowed their dispute regarding the term "controlled release matrix material," but differences remain. Accordingly, the parties respectfully request that Your Honor construe this term for both the '740 patent and the '060 patent. The parties' proposed constructions are provided below.[1]

[1] The parties note that the terms "matrix" and "matrices" remain in dispute and respectfully request that the Court construe these terms.

"Controlled release matrix material" in the '740 patent:

- Plaintiffs' proposal: "A material other than the active ingredient that causes the release of the drug (e.g., hydrocodone) at such a rate that blood (e.g., plasma) concentrations are maintained within the therapeutic range but below toxic concentrations over a period of time of about 12 hours or longer."

- Defendants' proposal: "A material other than the active ingredient that is in a matrix and causes the release of the drug (e.g., hydrocodone) at such a rate that blood (e.g., plasma) concentrations are maintained within the therapeutic range but below toxic concentrations over a period of time of about 12 hours or longer."

"Controlled release matrix material" in the '060 patent:

- Plaintiffs' proposal: "A material other than the active ingredient in which the active ingredient is embedded that also serves to control the release of the active ingredient from the dosage form."

- Defendants' proposal: "A material other than the active ingredient in which the active ingredient is embedded that causes the release of the active ingredient from the dosage form at controlled rates."

If further briefing on the term "controlled release matrix material" would assist the Court in construing the term, the parties are prepared to provide short, simultaneous submissions on the proposed constructions.

Sincerely,

/s/ Rodger D. Smith II

Rodger D. Smith II

RDS/rah

cc: Clerk of Court (via hand delivery)
All Counsel of Record (via electronic mail)